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17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 FERENCE FARKAS,
20 Plaintiff,
21 vs.
22 STATE OF NEVADA DEPARTMENT OF
23 CORRECTIONS, as nominal Defendants;
24 DR. ARANAS; DR. KAREN GEDNEY; DOE
25 MEDICAL DOCTOR I, and DOE
26 DEFENDANTS I-X,
27 Defendants.

28 Case No. 2:14-cv-00451-JAD-VCF

**MOTION TO WITHDRAW DEFENDANTS'
EXPERT DISCLOSURE**

29 Defendants Romeo Aranas and Karen Gedney,¹ by and through counsel, Adam Paul
30 Laxalt, Attorney General of the State of Nevada, and John L. Ward IV, Deputy Attorney
31 General, hereby file their *Motion to Withdraw Defendants' Expert Disclosure*. This *Motion* is

32 _____
33 ¹ According to Plaintiff's superseding *First Amended Complaint* (Doc. #59), Plaintiff is no longer pursuing
34 any legal claim against the State of Nevada, *ex rel.* Nevada Department of Corrections ("NDOC"). Cf. Doc. #53
35 at 1:26 – 2:1 (Plaintiff's opposition [...] stipulates to the dismissal of the State and NDOC [...] and] does not
36 disagree that Drs. Aranas and Gedney must be dismissed from the federal claims for monetary and declaratory
37 relief, but also states a desire to amend his complaint to name them in their personal capacities so he can pursue
38 money damages from them."). Compare Doc. #59 at 2:17 – 3:10 (Plaintiff did not name State of Nevada, *ex rel.*
39 NDOC as a party-defendant in his superseding *First Amended Complaint* (Doc. #59)) with Doc. #1 at 3:9-12
40 (Plaintiff named State of Nevada, *ex rel.* NDOC as a party-defendant in Plaintiff's now superseded *Complaint*
41 (Doc. #1)). Notwithstanding, the caption to this case still inappropriately lists "State of Nevada Department of
42 Corrections, as nominal Defendants."

1 based on the following Memorandum of Points and Authorities, any oral argument this Court
2 may entertain on the same, and all other papers and pleadings filed in this action.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. RELEVANT PROCEDURAL HISTORY**

5 On August 10, 2015, in error, Defendants filed their *Expert Disclosure* (Doc. #65). As a
6 discovery document, this *Expert Disclosure* (#65) was not subject to filing, but rather to
7 mailing (as between the Parties). See, e.g., Fed. R. Civ. P. 26.

8 **II. LEGAL STANDARD**

9 It has long been understood that certain implied powers must
10 necessarily result to our Courts of justice from the nature of their
11 institution, powers which cannot be dispensed with in a Court,
12 because they are necessary to the exercise of all others[. . .].
These powers are governed not by rule or statute but by the
control necessarily vested in courts to manage their own affairs so
as to achieve the orderly and expeditious disposition of cases.

13 *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (internal quotations and citations omitted).

14 **III. ARGUMENT**

15 Defendants move to withdraw their *Expert Disclosure* (Doc. #65) from the docket, or to
16 strike² the same, as this Court sees fit, for the inherent error of filing a discovery document not
17 relevant to a motion to compel, etc.

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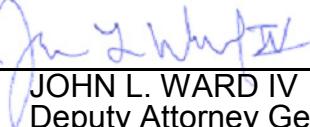
28 ² A district court has the inherent power to strike a party's submissions other than pleadings. See *Metzger v. Hussman*, 682 F.Supp. 1109, 1110 (D.Nev. 1988). The alternative basis for striking improper filings is the district court's "inherent power over the administration of its business. It has inherent authority to regulate the conduct of attorneys [and parties] who appear before it [and] to promulgate and enforce rules for the management of litigation. [. . .]" *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995) (citations omitted).

1 **IV. CONCLUSION**

2 For the foregoing reason(s), Defendants request that this Court strike or otherwise
3 withdraw from the docket Defendants' *Expert Disclosure* (Doc. #65).

4 Dated: August 12, 2015.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: 
8 JOHN L. WARD IV
9 Deputy Attorney General
Bureau of Litigation
Public Safety Division
10 Attorneys for Defendants

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15 The Clerk of Court is directed to strike Docket #65.
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18 **IT IS SO ORDERED.**

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20 **UNITED STATES MAGISTRATE JUDGE**
21 **DATED:** August 17, 2015